

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

STRYKER SPINE, a Division of Howmedica
Osteonics Corp.,

Plaintiff/Counter-Defendant,

v.

Case No. 14-CV-00093

SPINE GROUP OF WISCONSIN, LLC,
PAUL BREITENBACH, and TODD
POTOKAR,

Defendants/Counter-Plaintiffs.

STIPULATED ORDER OF DISMISSAL WITH PREJUDICE

Plaintiff, Howmedica Osteonics Corp. (“Stryker Spine”), and Defendants, Spine Group of Wisconsin, LLC (“SGW”), Paul R. Breitenbach (“Breitenbach”), and Todd Potokar (“Potokar”), as well as currently-dismissed parties, Mike Rogers, Scott Olin, Dan Gray, John Murray, Nick Novak, Annie Brauer (collectively, the “Sales Representatives”), and Biomet Spine, LLC (“Biomet”), Healthwerks, Inc. (“Healthwerks”), Great Lakes Spine Group, LLC (“Great Lakes”)(Biomet, Healthwerks, SGW, Great Lakes, Breitenbach, Potokar, and the Sales Representatives are collectively referred to as the “Defendants”)(Stryker Spine, Biomet, Healthwerks, SGW, Great Lakes, Breitenbach, Potokar, and the Sales Representatives are collectively referred to as the “Parties”), and for their Stipulated Order of Dismissal With Prejudice, IT IS HEREBY ORDERED:

1. This matter came before the Court through removal on January 28, 2014 and certain rulings in a related Arbitration Matter;
2. This Court having ruled on certain matters and claims previously;

3. The remaining claims in this matter were tried to a jury resulting in a jury verdict on September 15, 2017;

4. The Parties now desire to avoid additional controversy, post-trial briefing and appeals; and to resolve amicably, without any admission of liability, this matter and all disputes which were asserted or could have been asserted in this matter pursuant to a Confidential Settlement Agreement;

5. Therefore, this matter is dismissed with prejudice except that the Court shall retain jurisdiction of this matter and the Parties to enforce the Confidential Settlement Agreement. For clarity, it is ordered that all claims, counterclaims and third-party claims which were asserted or could have been asserted in this matter are dismissed with prejudice.

6. Further, the Court, pursuant to an agreement of the Parties, hereby vacates the following:

- A. all prior rulings of the Court;
- B. all prior findings regarding damages, costs and fees;
- C. all prior rulings regarding summary judgment, motions in limine and evidentiary matters; and
- D. the September 15, 2017 jury verdict.

7. Each Party shall be responsible for their own attorney's fees, costs and expenses.

AGREED:

Dated this 19th day of February, 2018.

s/ Patrick M. Harvey

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Patrick M. Harvey
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LLC, Paul R. Breitenbach, Todd Potokar,
Healthwerks, Inc., Great Lakes Spine Group,
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Dated this 19th day of February, 2018.

s/ Michael Wexler

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Dated this 19th day of February, 2018.

s/ David J. Turek

David J. Turek

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IT IS SO ORDERED:

DATED this _____ day of _____, 2018.

United States District Court Judge